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February 14, 2014

Via ECF

Hon. William D. Wall, U.S.M.J.
U.S. Federal Courthouse
100 Federal Plaza
Central Islip, NY 11722-9014
Courtroom 820

Re: *Salvatore Arnone v. Aetna, Inc. d/b/a Aetna Life Insurance Company*
Civil Action No.: 13-cv-5168

Dear Judge Wall:

This office represents defendant Aetna Life Insurance Company ("Aetna") in the above-referenced matter. We respectfully submit this letter to clarify the defendant's position with respect to the request made in plaintiff's counsel's letter dated February 14, 2014.

Plaintiff's counsel has requested that this Court schedule a Rule 16 conference, and stated that Aetna objected to his request. This statement is inaccurate because plaintiff's counsel never inquired as to whether Aetna would consent to the Court scheduling a Rule 16 conference, which is required to be held, in any event, under the Federal Rules of Civil Procedure. What plaintiff's counsel did ask is whether Aetna is willing to participate in a conference before Your Honor to discuss each party's respective legal positions. Since Aetna has clearly expressed its legal position to plaintiff's counsel on several occasions and even provided him with the applicable legal authority supporting its position, we did not believe such a conference would be fruitful. However, Aetna does not object to a Rule 16 conference.

Thank you for your consideration of this matter.

Respectfully submitted,

s/
Michael H. Bernstein
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MHB